



**UNITED STATES MARINE CORPS**

MARINE CORPS AIR STATION IWAKUNI, JAPAN  
PSC 561 BOX 1861  
FPO AP 96310-0019

IN REPLY REFER TO:

5041

SIO

06 JUN 2016

From: Commanding Officer, Marine Corps Air Station Iwakuni  
To: Director, Marine Corps Community Services

Subj: INSPECTOR GENERAL OF THE MARINE CORPS CASE #15334

Ref: (a) [5 USC 552 (b)(3),(6); 10 USC 130b] HCR IGA 5041 of 31 May 16

1. Take appropriate action against Mr. Courtemanche and [5 USC 552 (b)(3),(6); 10 USC 130b] per the reference.

2. Conduct appropriate refresher ethics training for all employees.

[5 USC 552 (b)(3),(6); 10 USC 130b]



**UNITED STATES MARINE CORPS**

PACIFIC AREA COUNSEL OFFICE

UNIT 35034

FPO AP 96373-5034

IN REPLY REFER TO:

5000

PACO

03 JUN 2016

From: Associate Counsel, Pacific Area Counsel Office

To: Station Inspector

Subj: LEGAL SUFFICIENCY REVIEW; HOTLINE COMPLETION REPORT (HCR)  
#15334

Ref: (a) MCO 5430.1

(b) MCO 5370.8

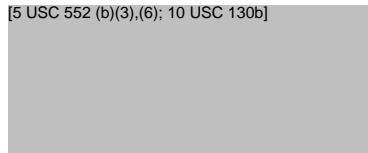
(c) Marine Corps Inspector General Program Investigators  
Guide (2009)

1. I reviewed the subject HCR and find it to be legally sufficient. The investigation was done in accordance with the references.

2. In the course of my review I read the report of the investigation pertinent supporting documents, and the references. My review focused on confirming that the findings of fact were supported by enclosure; that the analysis of allegations applied the correct legal or regulatory standard and was supported by the facts; and that the findings were supported by the analyses.

3. Based on that review I find that the preponderance of the evidence supports the recommendation of this investigation.

[5 USC 552 (b)(3),(6); 10 USC 130b]





# UNITED STATES MARINE CORPS

MARINE CORPS AIR STATION IWAKUNI, JAPAN  
PSC 561 BOX 1861  
FPO AP 96310-0019

IGA  
5041  
31 May 2016

## HOTLINE COMPLETION REPORT (HCR)

1. Name of Official Conducting Inquiry: [5 USC 552 (b)(3),(6); 10 USC 130b] [REDACTED]
2. Rank of Official: [5 USC 552 (b)(3),(6); 10 USC 130b] [REDACTED]
3. Duty Position and Telephone Number: [5 USC 552 (b)(3),(6); 10 USC 130b] [REDACTED],  
[5 USC 552 (b)] [REDACTED]
4. Organization: [5 USC 552 (b)(3),(6); 10 USC 130b] [REDACTED] [REDACTED] [REDACTED]
5. Hotline Control Number: IGMC case number 15334
6. Scope, Findings of Fact, Conclusions, and Recommendations:

### a. Scope.

(1) This investigation has been directed by the Commanding Officer, MCAS Iwakuni in his letter dated 1 Dec 15 concerning allegations that are contrary to standards of ethical conduct for employees of the executive branch. Directives applicable to this investigation are Code of Federal Regulations (CFR) Title 5, Parts 2635.702 and 2635.302, DoD 5500.07-R, Joint Ethics Regulation, MCO P12000.11A, Nonappropriated Fund (NAF) Personnel Policy Manual, and MCCS Internal Instruction 12630.2E.

### (2) Identify the allegations:

(a) ALLEGATION #1: That [5 USC 552 (b)(3),(6); 10 USC 130b] misused her position by engaging in a business transaction in purchasing a vehicle from a subordinate in violation of 5 CFR 2635.702, Use of Public Office for Private Gain, in exchange for overtime compensation on March 24, 2015.

(b) ALLEGATION #2: That [5 USC 552 (b)(3),(6); 10 USC 130b] has been absent from work without being properly charged annual leave, sick leave, or leave without pay in violation MCCS Internal Instruction 12630.2E between Oct 2015 and Dec 2015.

(c) ALLEGATION #3: That Mr. Richard Courtemanche misused his position for financial gain by soliciting a gift from [5 USC] [REDACTED] in exchange for a promotion in return for the gift in violation of 5 CFR 2635.302 on 26 Oct 15.

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Subj: HCR INTO ALLEGATIONS AGAINST [5 USC 552 (b)(3),(6); 10 USC 130b] , [5 USC 552 (b)(3),(6); 10 USC 130b]  
RICHARD COURTEMANCHE, AND [5 USC 552 (b)(3),(6); 10 USC 130b]

(3) Enclosures: Enclosures 1 - 13 support the findings of fact as they relate to allegations #1 and #2. Enclosures 14 - 40 support the findings of fact as they relate to allegations #3 and #4. All witness statements were obtained by means of personal interview by the Investigating Officer at either one of two locations; bldg.405, Post Office or bldg.410, MCCS Conference Room.

- (1) Vehicle Bill of Sale
- (2) Statement for Record
- (3) CLEOC Vehicle Registration Report
- (4) Timesheets ICC [5 USC 552 (b)(3),(6); 10 USC 130b]
- (5) Reported Overtime (Bar graph)
- (6) Time Approval Report ICO [5 USC 552 (b)(3),(6); 10 USC 130b]
- (7) Time Approval Report ICO Other Employees
- (8) Suspect Statement, [5 USC 552 (b)(3),(6); 10 USC 130b]
- (9) Suspect Statement, [5 USC 552 (b)(3),(6); 10 USC 130b]
- (10) Witness Statement, [5 USC 552 (b)(3),(6); 10 USC 130b]
- (11) Witness Statement, IHA Employee 1
- (12) Witness Statement, IHA Employee 2
- (13) Notification to Terminate Employment
- (14) Timesheets ICO [5 USC 552 (b)(3),(6); 10 USC 130b]
- (15) Reported Leave Overview (Pie Graph)
- (16) Leave Request Form (OPM Form 71)
- (17) Medical Appointment Schedules
- (18) Leave and Earning Statements
- (19) MCCS Employee Leave Policy
- (20) Letter of Warning ICO [5 USC 552 (b)(3),(6); 10 USC 130b]
- (21) Letter of Warning ICO Richard Courtemanche
- (22) IHA Employee Logs
- (23) CCTV Video Surveillance
- (24) Internal Control Validation Letter
- (25) Photo of Chair
- (26) MCCS Job Announcement
- (27) Confirmation of Applicant ICO [5 USC 552 (b)(3),(6); 10 USC 130b]
- (28) List of Applicants
- (29) List of Eligibles
- (30) Emails between Richard Courtemanche and HR Office
- (31) Suspect Statement, Richard Courtemanche
- (32) Suspect Statement, [5 USC 552 (b)(3),(6); 10 USC 130b] e
- (33) Witness Statement, IHA Employee 1
- (34) Witness Statement, IHA Employee 2
- (35) Witness Statement, IHA Employee 3
- (36) Witness Statement, NAF employee
- (37) Notification to Terminate Employment
- (38) Complainant Witness Statement
- (39) Copy of SIO Contact Form
- (40) Allegation Details

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Subj: HCR INTO ALLEGATIONS AGAINST [5 USC 552 (b)(3),(6); 10 USC 130b], [5 USC 552 (b)(3),(6); 10 USC 130b],  
RICHARD COURTEMANCHE, AND [5 USC 552 (b)(3),(6); 10 USC 130b]

b. ALLEGATION #1: That [5 USC 552 (b)(3),(6); 10 USC 130b] misused her position by engaging in a business transaction in purchasing a vehicle from a subordinate in violation of 5\_CFR 2635.702, Use of Public Office for Private Gain, in exchange for overtime compensation on March 24, 2015.

c. Findings of Fact allegation 1.

1. The Bill of Sale, enclosure (1) reflects the 2005 Nissan Moco was legally sold by [5 USC 552 (b)(3),(6); 10 USC 130b] 1 to [5 USC 552 (b)(3),(6); 10 USC 130b] for the price of \$2,500.00 on 24 March 2015. [5 USC 552 (b)(3),(6); 10 USC 130b] states that [5 USC 552 (b)(3),(6); 10 USC 130b] paid full price for the vehicle (enclosure (9)).

2. [5 USC 552 (b)(3),(6); 10 USC 130b] produced a statement of record, enclosure (2) stating that she was not aware that her subordinate employee [5 USC 552 (b)(3),(6); 10 USC 130b] signed the bill of sale for the vehicle that was purchased by her husband. This statement was produced after she learned [5 USC 552 (b)(3),(6); 10 USC 130b] name was in fact on the Bill of Sale. This admission comes after both [5 USC 552 (b)(3),(6); 10 USC 130b] and [5 USC 552 (b)(3),(6); 10 USC 130b] testified in their statement, enclosures (7) & (8) that the vehicle was sold from [5 USC 552 (b)(3),(6); 10 USC 130b] to [5 USC 552 (b)(3),(6); 10 USC 130b].

3. The CLEOC Vehicle Registration Report, enclosure (3) affirms the Nissan Moco is currently registered to [5 USC 552 (b)(3),(6); 10 USC 130b] and not [5 USC 552 (b)(3),(6); 10 USC 130b]; however, [5 USC 552 (b)(3),(6); 10 USC 130b] utilizes the Nissan Moco as her daily commuter.

4. Per enclosure (3), [5 USC 552 (b)(3),(6); 10 USC 130b] has one vehicle registered to her; a 2005 Honda Edix; however, [5 USC 552 (b)(3),(6); 10 USC 130b] utilizes the Honda Edix as his daily commuter.

5. Per enclosure (4), [5 USC 552 (b)(3),(6); 10 USC 130b]'s timesheets reflect overtime was taken during 20 consecutive pay periods from April 5, 2015 to January 7, 2016. Overall, 113.5 hours of overtime was taken between 22 Feb 15 to 7 Jan 16. During CY15, overtime taken peaked to its highest levels between July and August 2015 and were at lowest levels during February and March 2015 as illustrated in enclosure (5).

6. [5 USC 552 (b)(3),(6); 10 USC 130b] does not have the authority nor the ability of approving her own overtime. Per enclosure (6), overtime approving authorities included [5 USC 552 (b)(3),(6); 10 USC 130b] (Chief of HR) and [5 USC 552 (b)(3),(6); 10 USC 130b] 1 (Deputy of HR).

7. With regard to [5 USC 552 (b)(3),(6); 10 USC 130b] and [5 USC 552 (b)(3),(6); 10 USC 130b] as approving authorities, after the selling of the vehicle on 24 Mar 15, [5 USC 552 (b)(3),(6); 10 USC 130b] was first to approve overtime for [5 USC 552 (b)(3),(6); 10 USC 130b] and did so 6

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Subj: HCR INTO ALLEGATIONS AGAINST [5 USC 552 (b)(3),(6); 10 USC 130b], [5 USC 552 (b)(3),(6); 10 USC 130b],  
RICHARD COURTEMANCHE, AND [5 USC 552 (b)(3),(6); 10 USC 130b]

times before [5 USC 552 (b)(3),(6); 10 USC 130b] did as reported per enclosure (6). Furthermore, it was not until 5 weeks after the selling of the vehicle that on 3 May 15 (Friendship Day) [5 USC 552 (b)(3),(6); 10 USC 130b] approved overtime for [5 USC 552 (b)(3),(6); 10 USC 130b].

8. Per enclosure (6) from 25 Mar 15 to 16 Oct 15, [5 USC 552 (b)(3),(6); 10 USC 130b] overtime was approved by [5 USC 552 (b)] 21 times for a total of 30.5 overtime hours compared to [5 USC] approving her overtime 47 times for a total of 51 overtime hours. (Does not include overtime-accrued on Friendship Day; a day that required several other employees from the same office to work overtime).

9. [5 USC 552 (b)(3),(6); 10 USC 130b] time approval report, enclosure (6), compared to other employee's reports, enclosure (7), reflect [5 USC 552 (b)] collected substantially more overtime than other employees working in the same office (MCCS Human Resources).

10. Per enclosure (6), [5 USC] worked the overtime hours for which she was paid. Additionally, [5 USC 552 (b)(3),(6); 10 USC 130b] and [5 USC 552 (b)(3),(6); 10 USC 130b] both provide statements that provide valid reasons for the additional overtime. See enclosures (8) and (9).

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Subj: HCR INTO ALLEGATIONS AGAINST [5 USC 552 (b)(3),(6); 10 USC 130b], [5 USC 552 (b)(3),(6); 10 USC 130b],  
RICHARD COURTEMANCHE, AND [5 USC 552 (b)(3),(6); 10 USC 130b]

[5 USC 552 (b)(3),(6); 10 USC 130b]

e. ALLEGATION #2: That [5 USC 552 (b)(3),(6); 10 USC 130b] has been absent from work without being properly charged annual leave, sick leave, or leave without pay in violation MCCS Internal Instruction 12630.2E between Oct 2015 and Dec 2015.

f. Findings of Fact allegation 2.

1. Per [5 USC 552 (b)]'s official timesheets, enclosure (14), he's reported as taking 340 combined hours of sick leave, leave without pay, and vacation during CY15. Breakdowns of reported leave types and hours taken are visually outlined in enclosure (15).

2. Per Leave Request Form OPM Form 71, enclosure (16), [5 USC 552 (b)] has requested 145 hours of leave during CY15 in comparison to 340 hours taken as reported on timesheets enclosure (14). Upon request by the Investigating Officer neither [5 USC 552 (b)] nor his supervisor Mr. Courtemanche were able to produce leave request forms from 16 Oct 15 to 29 Dec 15; a period that [5 USC 552 (b)] is reported as taking 72 hours of leave per his timesheet.

[5 USC 552 (b)(3),(6); 10 USC 130b]

4. Two IHA employees began a self-initiated log of [5 USC 552 (b)] as it relates to prolonged hours of absence, late arrivals, and early departures from work as reflected in enclosure (22). The logged absences are consistent with CCTV Video Surveillance (enclosure 22).

5. [5 USC 552 (b)] log, enclosure (22), of [5 USC 552 (b)] movements in and out of the office reflects him arriving late to work on 2 Dec 15 at approximately 0840. This entry recorded by [5 USC 552 (b)(3),(6); 10 USC 130b] reflecting [5 USC 552 (b)] late arrival coincides with surveillance video, enclosure (23), however [5 USC 552 (b)] timesheet reflects he worked a full 8-hour day.

6. [5 USC 552 (b)] log reflects [5 USC 552 (b)] arriving late to work on 7 Dec 15 at approximately 0840 then leaving at 1130 not returning to work. This entry coincides with surveillance video taken at that time. [5 USC 552 (b)] timesheet reflects he worked a full 8-hour day.

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Subj: HCR INTO ALLEGATIONS AGAINST [REDACTED], [REDACTED],  
RICHARD COURTEMANCHE, AND [REDACTED]

7. [5 USC 552 (b)(3),(6); 10 USC 130b] log reflects [5 USC 552 (b)(3),(6); 10 USC 130b] leaving work at 1640 on 9 Dec 15, twenty minutes shy of his scheduled 1700 end time. Ms. [5 USC 552 (b)(3),(6); 10 USC 130b] testifies that this is common practice with [5 USC 552 (b)(3),(6); 10 USC 130b] leaving immediately after the Japanese IHA employees and prior to his scheduled time off. This entry coincides with surveillance video taken at that time. [5 USC 552 (b)(3),(6); 10 USC 130b] timesheet reflects he worked a full 8-hour day.

8. [5 USC] [REDACTED] log reflects [5 USC 552 (b)(3),(6); 10 USC 130b] leaving work 1500 on 10 Dec 15 and not returning for the remainder of the workday. [5 USC] [REDACTED] timesheet reflects he worked a full 8-hour day.

9. Per enclosure (18) [5 USC 552 (b)(3)] Leave and Earning Statements for CY15 reflect an annual net pay of approximately \$29,920 after deductions that include federal tax, health care plans, and 401k-loan paybacks.

10. [5 USC 552 (b)(3),(6); 10 USC 130b] is responsible for the proper entering of his leave hours into the electronic timesheet system known as PeopleSoft, enclosure (14). As the Supervisor, Mr. Courtemanche is the approving authority, responsible for reviewing, approving, identifying, and correcting any irregularities with [5 USC 552 (b)(3),(6); 10 USC 130b] timesheets.

11. On 25 Mar 15 Mr. Courtemanche received a letter of warning for failing to carry out policies and procedures in that he did not properly account for (b) (5) USC 552 (b) time keeping, enclosure (21).

12. <sup>5</sup> USC [REDACTED] acknowledges and takes responsibility for not properly recording his times and leave correctly in PeopleSoft and understands his actions were fraudulent per enclosure (32).

13. [5 USC 552 (b)(3),(6); 10 USC 130b] and his supervisor Mr. Courtemanche have a 15-year working relationship within the Purchasing & Contracting Office as stated by [5 USC 552 (b)] (enclosure (32)).

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[5 USC 552 (b)(3),(6);  
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i. Findings of Fact allegation 3.

1. Per enclosure (40), <sup>5</sup> USC

cost from [5 USC  
552 (b)]

3. There was no currency exchanged for the chair at any time by Mr. Courtemanche as allured to by both parties per enclosures (30) and (38).

4. Mr. Courtemanche allowed the Investigating Officer to evaluate and take a photo of the chair; enclosure (25). In new condition this type of chair ranges from \$80.00 to \$100.00. However, the local Installation Thrift Store values high chairs of this kind to range from \$10.00 to \$30.00 used, however it is dependent of the condition at time of acceptance. The point of contact for this estimate is the MCAS Iwakuni Thrift Store at DSN (315) 253-4711.

5. Upon request by the Investigating Officer, no receipts were furnished from either [5 USC [REDACTED]] or Mr. Courtemanche.

the course of [5 USC 552 (b)]

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RICHARD COURTEMANCHE, AND [5 USC 552 (b)(3),(6); 10 USC 130b]

7. Per enclosure (29), the list of eligible personnel for the NF-4 position was decided by MCCS HR department on 15 Oct 15. The list reflects 4 individuals eligible for the position, none of which are [5 USC 552 (b)]

8. Per enclosure (30) Email traffic between Mr. Courtemanche and the HR Office reveal Mr. Courtemanche request an extension of the closing date for the vacant NF-4 position from a closing date of 2 Oct 15 to 9 Oct 15 [5 USC 552 (b)] applied on 8 Oct 15). HR department granted this extension.

9. Mr. Courtemanche stated that he did not discuss the NF-4 job with [5 USC 552 (b)] in any capacity. He states that [5 USC 552 (b)] offered him the baby chair when he stated that he could not find baby chairs in the Exchange (enclosure (31)).

(1) **Analysis:** 5\_CFR 2635.302 states in relevant part:

(b) Gifts from employees receiving less pay. Except as provided in this subpart, an employee may not, directly or indirectly, accept a gift from an employee receiving less pay than himself unless:

(1) The two employees are not in a subordinate-official superior relationship; and

(2) There is a personal relationship between the two employees that would justify the gift.

(c) Limitation on use of exceptions. Notwithstanding any exception provided in this subpart, an official superior shall not coerce the offering of a gift from a subordinate." [5 USC 552 (b)(3),(6); 10 USC 130b]

[REDACTED]

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Subj: HCR INTO ALLEGATIONS AGAINST [5 USC 552 (b)(3),(6); 10 USC 130b] [5 USC 552 (b)(3),(6); 10 USC 130b]  
RICHARD COURTEMANCHE, AND [5 USC 552 (b)(3),(6); 10 USC 130b]

[5 USC 552 (b)(3),(6); 10 USC 130b]

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9. Security Classification: For Official Use Only

10. Location of working papers: Station Inspector's Office, MCAS  
Iwakuni, Japan.

[5 USC 552 (b)(3),(6); 10 USC 130b]

[REDACTED]